

REMARKS

Reconsideration of the present application is respectfully requested. No claims have been amended. Claims 1 – 41 are currently pending.

Rejections based on 35 U.S.C. § 103

Claims 1 – 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over an article titled “Inside Macintosh: Macintosh Toolbox Essentials” (hereinafter “Toolbox”) in view of a second article titled “StuffIt Deluxe User’s Guide” (hereinafter “StuffIt”). Claims 1 – 18, 30 – 35, and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints (hereinafter “MacOSXHints”) in view of “Mac OS X Disaster Relief: Troubleshooting Techniques to Help Fix It Yourself” (hereinafter “Landau”). Claims 19 – 23, 25 – 29, 36, 37, 39, and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau, further in view of Balabine, *et al.*, U.S. Patent No. 5,937,406 (hereinafter “Balabine”). Claims 24 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau in view of Balabine, further in view of MacOSXHints2 (hereinafter “MacOSXHints2”).

Claims 1 - 41

Claims 1 – 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Toolbox in view of StuffIt. Independent claim 1 recites a shell that presents an item to the user with a “visual representation and with an indication of said plurality of user-selectable tasks defined by said **metadata** contained in said item.” Similar claim language is found in independent claims 30 and 41. While the claim language clearly states that the metadata must

define the “plurality of user-selectable tasks,” neither reference teaches such metadata-defined “user-selectable tasks.”

The Office Action relies on the Toolbox reference to teach “.DS_Store files,” which are used by the Mac OS to store information related to the display of files by the operating system. *See* Office Action at 2. The Office Action, however, admits that Toolbox fails to teach “defining a plurality of user-selectable tasks” and relies on the StuffIt reference to teach the claimed “user-selectable tasks.” *See* Office Action at 8. The Office Action states that StuffIt’s user-selectable tasks may be stored in Toolbox’s .DS_Store files so as to yield the claimed “plurality of user-selectable tasks defined by said metadata contained in said item.” *See* Office Action at 2.

Applicants respectfully traverse the pending rejection because neither reference teaches or suggests storing the user-selectable tasks as “metadata” along with a file. As an initial matter, it must be pointed out that the term “metadata”, as used in the present specification and in the art, is different from a file’s underlying subject data/payload. Indeed, the term “metadata” literally means “data about data.” Consistent with this term’s meaning in the art, the term “metadata” is used by the present specification to indicate data that is appended to a file to indicate or declare properties of that file. For example, the present specification states at page 16 that, “Those skilled in the art will recognize that this property and relationship data may be referred to as metadata associated with an item.” Moreover, as also made clear by the present specification, contemporary operating system (as well as certain embodiments of the present invention) are designed to handle metadata differently than the subject data contained in a file. *See* the present specification at pp. 16-18. Thus, given the usage of the term “metadata” in the

present specification and in the art, the claimed “metadata” must be differentiated from a file’s subject data or payload data.

Applying a proper reading of the term “metadata,” it is clear that neither reference teaches the claimed “plurality of user-selectable tasks defined by said metadata contained in said item.” Tellingly, the Office Action ignores the Applicant’s recitation of “metadata” and, instead, relies on the subject data of Toolbox’s .DS_Store files. It is beyond reasonable dispute that the Toolbox reference fails to disclose any information about the “metadata” associated with the .DS_Store files. Indeed, Toolbox makes clear that the very purpose of the .DS_Store file is to store the file-display data. So Toolbox’s item decoration data is clearly not “metadata.”

StuffIt also is devoid of any consideration of metadata. In fact, the StuffIt reference is a “user’s guide,” and it contains only sparse technical disclosure and fails to indicate whether information is stored along with a file (*e.g.*, as metadata) or by the operating system (*e.g.*, in the registry). It appears most likely that such information is stored in the registry, not in a file as metadata. Put simply, StuffIt is silent regarding where its user-selectable tasks are stored, and, thus, this reference does not teach the claimed “plurality of user-selectable tasks defined by said metadata.”

In sum, neither Toolbox nor StuffIt discloses either storing “metadata” that defines a set of user-selectable tasks or any shell operations that are performed with respect to such *metadata*-defined tasks. Thus, Applicants submit that independent claims 1, 30 and 41 are in condition for allowance.

In addition, independent claim 30 recites “metadata [that] defines a visual representation of an item and further defines a plurality of user-selectable tasks that may be performed with respect to said item.” This metadata is accessed to “obtain said plurality of user-

selectable tasks stored in said metadata.” Further, claim 30 requires that an application be launched and be directed to “perform the selected user-selectable task with respect to said one or more requested items.” The Toolbox and StuffIt references also fail to teach or suggest these claimed aspects.

In addition, it would not have been obvious to combine Toolbox and StuffIt to yield the claimed invention. Toolbox’s .DS_Store files are limited to **decorative** aspects associated with the display of a file, while StuffIt’s teachings of user-selectable tasks introduce **functional** actions to be performed by the operating system. There is simply no teaching in the references regarding how the *functional* aspects of StuffIt may be incorporated into the *decorative* aspects of Toolbox’s .DS_Store files. Clearly, the combination of decorative and functional aspects would not have been obvious and would require technical operations beyond what is taught by the prior art. Thus, Applicants respectfully submit that the claims are allowable over the prior art for this additional reason.

Applicants also submit that dependent claims 2 - 29, which depend from claim 1, are in condition for allowance for at least the same reasons discussed above with respect to claim 1. Applicants also submit that dependent claims 31 - 40, which depend from claim 30, are in condition for allowance for at least the same reasons discussed above with respect to claim 30.

Claim 1 – 18, 30 – 35, and 41

Claims 1 – 18, 30 – 35, and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau. Applicants respectfully submit that neither MacOSXHints nor Landau, either alone or in combination, discloses each and every limitation recited by independent claims 1, 30 and 41. Specifically, MacOSXHints and Landau do not disclose a shell that presents an item to the user with a “visual representation and with an

indication of said plurality of user-selectable tasks defined by said metadata contained in said item,” wherein “said shell is further configured to launch at least one application in response to a user input selecting one or more of said plurality of user-selectable tasks,” as required by independent claims 1, 30 and 41.

Like the Toolbox and StuffIt references, the MacOSXHints and Landau references are devoid of references to metadata, and, here again, the references rely on DS_Store files to provide the claimed functionality. Thus, for the same reasons that the pending claims are allowable over the Toolbox and StuffIt references, the claims are likewise allowable over the MacOSXHints and Landau references. Accordingly, Applicants submit that independent claims 1, 30 and 41 are in condition for allowance. Applicants also submit that dependent claims 2 - 18, which depend from claim 1, are in condition for allowance for at least the same reasons discussed above with respect to claim 1. Applicants also submit that dependent claims 31 - 35, which depend from claim 30, are in condition for allowance for at least the same reasons discussed above with respect to claim 30.

Dependent Claims 19 – 23, 25 – 29, 36, 37, 39 and 40

Dependent claims 19 – 23, 25 – 29, 36, 37, 39 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau, further in view of Balabine. Claims 19 – 23 and 25 – 29 depend from independent claim 1. Claims 36, 37, 39 and 40 depend from independent claim 30. As discussed above, claims 1 and 30 are patentable over MacOSXHints and Landau. Balabine also fails to disclose the invention of claims 1 and 30, individually or in combination with MacOSXHints and Landau. Claims 19 – 23, 25 – 29, 36, 37, 39 and 40 include all of the limitations of claim 1 or 30 and are also patentable over

MacOSXHints, Landau and Balabine, taken individually or in combination with one another, for at least the reasons stated above.

Dependent Claims 24 and 38

Claims 24 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau and Balabine, further in view of MacOSXHints2. Claim 24 depends from independent claim 1. Claim 38 depends from independent claim 30. 30. As discussed above, claims 1 and 30 are patentable over MacOSXHints and Landau. Balabine and MacOSXHints2 also fail to disclose the invention of claims 1 and 30, separately or in combination with MacOSXHints and Landau. Claims 24 and 38 include all of the limitations of claim 1 or 30 and are also patentable over MacOSXHints, Landau, Balabine and MacOSXHints2, taken separately or in combination with one another, for at least the reasons stated above.

Conclusion

For the reasons stated above, claims 1 – 41 are in condition for allowance. If any issues remain which would prevent issuance of this application, the Examiner is urged to contact the undersigned prior to issuing a subsequent action. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,

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